

ORDINANCE 24-5868

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for Lots 45, 46,
47 and 48 of Block 2, Evergreen Subdivision,
BE AMENDED**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

Section 2. DESCRIPTION. Lots 45, 46, 47 and 48 of Block 2, Evergreen Subdivision, is presently zoned Mid-century Neighborhood Residential (N2), and is shown on the official zoning map within this zone.

Section 3. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for Lots 45, 46, 47 and 48 of Block 2, Evergreen Subdivision, is hereby changed from Mid-century Neighborhood Residential (N2), to Neighborhood Office (NO), and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to Neighborhood Office (NO), as set out in the Billings, Montana City Code.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 8th day of January, 2024.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of January, 2024.

CITY OF BILLINGS



BY: William A. Cole

William A. Cole, Mayor

ATTEST:

BY: Denise R. Bohlman

Denise R. Bohlman, City Clerk

Zone Change 1040 - 1404 and 1406 Avenue B

Date: 01/22/2024
Title: Zone Change 1040 - 1404 and 1406 Avenue B, N2 to NO, 2nd reading
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: No
Legal Review: Not Applicable
Project Number: PZX-23-00235

End-24-5868

Approved	11-0
JAN 22 2024	
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RECOMMENDATION

CITY CLERK

The Zoning Commission recommended approval and adoption of the findings of the ten review criteria for Zone Change 1040. The City Council approved the zone change on first reading at its January 8 meeting. A second reading is required to approve the zone change.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change application for two parcels of land, 1404 and 1406 Avenue B, directly north of the Stockman Bank at 1405 Grand Avenue. The current zoning is Mid-Century Neighborhood (N2) and the proposed zoning is Neighborhood Office (NO). The bank built the existing parking lot at 1404 Avenue B at the same time as the bank in 2013. The bank drive through and existing parking lot were approved through a special review (SR 890 - 2011). The previous zoning code allowed surface parking lots through special review approval in any residential zone district. The 2021 code update eliminated this provision. The current code allows surface parking lots by special review as a primary use in a few commercial zone districts - Neighborhood Office (NO), Mixed Use districts (NMU, CMU1 and 2), Downtown Support (DX), and Central Business District (CBD). The zone change is paired with a concurrent request for special review to establish a few more parking spots on the adjacent parcel at 1406 Avenue B to be zoned Neighborhood Office. The existing parking lot will not be re-configured. The City Council approved the zone change on first reading on January 8, 2024. A second reading is required to approve the zone change.

The location is within the area known as "Midtown" in Billings. Most properties were originally platted as residential subdivision lots but were converted to commercial zoning and uses beginning in the late 1950s and early 1960s. Larger commercial developments such as West Park Plaza were also built during this time frame along the Grand Avenue Corridor from 8th St West to 24th St West. As early as 1954, the corner of 13th St West from Grand Avenue north to Avenue B was zoned commercial. The bank property at 1405 Grand Avenue is zoned Corridor Mixed Use 1 (CMU1) a zone district intended for commercial lots that are adjacent to or across an alley from residential neighborhoods. The types of uses allowed are mostly compatible with residential neighborhoods. Buffering and screening residential properties is essential where lots share property lines. The proposed zoning of NO is typical in neighborhoods that adjoin commercial corridors. The NO zone allows office use and some personal and business services that generally do not operate past 5 pm or over the weekend. There are a limited number of special review uses allowed in the NO zone, including surface parking lots, wireless or radio communications, colleges, civic or religious assembly and shelters. A special review use may or may not be appropriate in the zone depending on site-specific conditions. The NO zone district is intended to be compatible in residential neighborhoods, in particular when located near block ends that intersect non-residential streets (neighborhood entryways).

The Zoning Commission is recommending approval for the zone change request based on the limited uses in the NO zone district, the location near a neighborhood entryway off a non-residential street, and the existing parking lot at 1404 Avenue B. The bank has maintained the parking lot in good condition, and it has not caused concerns or detrimental effects in the neighborhood. The City Council concurred with this recommendation and approved the zone change on first reading.

STAKEHOLDERS

The planning staff notified the surrounding owners by mail, posted the property with the zoning request sign and published a legal advertisement as required by local regulations. The applicant conducted a pre-application neighborhood meeting on October 23, 2023 at the Stockman Bank at 1405 Grand Avenue. One surrounding owner attended the meeting. The planning staff did not receive any comments or phone calls regarding the proposed zone change or addition to the parking lot prior to the public hearing.

City Zoning Commission hearing December 5, 2023

The Zoning Commission held its public hearing on December 5, 2023, and received the planning staff recommendation and testimony from the applicant's agent, Stephanie Donovan of Cushing Terrell, and Jeremy Morgret from Stockman Bank. Commission members asked questions concerning the intent to expand beyond the

proposed nine parking spaces on 1406 Avenue B, whether the existing residents in the home were agreeable with the proposed amendment. Ms. Donovan explained the existing home is vacant but will be retained on the property and there is no intent to expand beyond the proposed nine parking spots. No other testimony was received.

Chairperson Michael Larson closed the public hearing. Commission member Greg McCall made a motion to recommend approval and adoption of the findings of the 10 criteria. The motion was seconded by David Goss and was approved on a 4-0 vote.

City Council Public Hearing and 1st reading January 8, 2024

The City Council conducted a public hearing on January 8, 2024, and received the Zoning Commission's recommendation of approval. No other testimony was received. Mayor Cole closed the public hearing. Council member Mike Boyett made a motion to approve the zone change and adoption of the findings of the 10 review criteria. The motion was seconded by Council member Bill Kennedy, and was approved on a unanimous voice vote.

ALTERNATIVES

The City Council may:

- Approve the zone change on second reading and adopt the findings of the 10 review criteria as approved by the City Council on January 8, 2024; or,
- Deny the zone change and adopt different findings than the recommended and previously approved findings of the 10 review criteria; or
- Delay action on the zone change request for up to 30 days at the request of the applicant or on its own motion; or
- Refer the application back to the Zoning Commission for an additional public hearing based on 1) new information submitted that the applicant and public have not had an opportunity to examine; or 2) new information has been presented that was never submitted or considered by the Zoning Commission or staff; or
- Allow the applicant to withdraw the zone change request.

Only one delay for action on the zone change not to exceed 60 days is allowed. The applicant has not requested a delay or withdrawal of the request.

FISCAL EFFECTS

Approval or denial should have no impact on the Planning Division budget.

SUMMARY

Prior to making a decision on the requested zone change, the City Council shall consider the following findings as recommended by the Zoning Commission:

1. Is the new zoning designed in accordance with the Growth Policy and neighborhood plans? The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:
Prosperity (promoting equal opportunity and economic advancement)

- Predictable, reasonable city taxes and assessments are important to Billings taxpayers
- A diversity of available jobs can ensure a strong Billings economy
- Successful businesses that provide local jobs benefit the community
- Retaining and supporting existing businesses helps sustain a healthy economy

The proposed zoning would allow an existing parking lot for Stockman Bank at 1404 Avenue B approved through special review to conform to the 2021 zoning code, and will allow a small addition to that parking lot through a zone change and new special review for 1406 Avenue B. The Stockman Bank development about 12 years ago, provided a significant re-investment in an underdeveloped and vacant commercial property. The Grand Avenue lots were not deep enough to accommodate all the parking needs of the bank, so the corner lot at 14th St West and Avenue B was developed for a few additional off-street spaces. The bank would like to provide more off-street parking for employees and bank customers. This is compatible with the streets and with the adjacent residential neighborhood. The NO zone is intended to allow only uses that are compatible with neighborhoods and excludes general commercial uses that may be intrusive to the neighborhood. For example, a coffee kiosk or any restaurant food service would not be allowed. Consideration of a special review and not just the zone change is required for the parking lot expansion. This will reinforce the compatibility of the new parking spaces.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?
Public health and public safety are promoted by both the existing and the proposed zoning. The proposed NO zoning would allow the owner to ensure future development is not intrusive to neighboring property, and still allow compatible uses with the adjacent zoning. Buffer yards will be required along with landscaping. The proposed NO zone will also allow the retention of the existing home at 1406 Avenue and development of the parking lot expansion through special review.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will not increase traffic on the adjacent streets. The zone change and special review may reduce the demand for on-street parking on 14th St West and Avenue B. This increase will not require a traffic study. Any changes to drive approaches will need approval from the City Engineering Division.

Water and Sewer: The city provides water and sewer for the area. Water and sewer is available on both lots. The sewer connection for 1404 Avenue B has been retired. The sewer connection for 1406 Avenue will remain active for the residence. The Utilities Division voiced no concerns.

Schools and Parks: Schools and parks will not be affected by the proposed zoning.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns about the zone change.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

The existing property has a fully developed sidewalk on Avenue B and 14th St West. The sidewalks appear to be in good condition. The new zoning designation itself should not have any measurable effect on the transportation system. Demand for on-street parking may decrease slightly.

7. Will the new zoning promote compatible urban growth?

The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity. Property west and north of the subject parcels is zoned N2. Zoning lots at block ends for more dense residential development or for neighborhood service business is a common development pattern in Billings. The zoning does promote compatible urban growth.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use or uses. The proposed zoning will allow a small expansion of an existing parking lot and allow the existing parking lot to conform to the 2021 zoning code.

9. Will the new zoning conserve the value of buildings?

The new zoning is not expected to alter the value of any buildings in the area. Any development of the property will need to meet the site development requirements for new construction including all zoning standards, landscaping, screening, building heights and setbacks. The expansion of the parking lot will require positive findings for the special review criteria and will have conditions of approval. These conditions are expected to conserve and protect the value of buildings.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the property to conform to the 2021 zoning code, and request a small expansion of an existing parking lot. Any future re-development of the lots will allow compatible uses such as small offices and personal services. Supporting local business needs will have a positive impact on the Billings economy.

Attachments

City Council Regular

Date: 01/08/2024
Title: Zone Change 1040 - 1404 and 1406 Avenue B - N2 to NO - Public Hearing and
1st reading
Presented by: Nicole Cromwell
Department: Planning & Community Services
Presentation: Yes
Legal Review: Not Applicable
Project Number: PZX-23-00235

B - N2 to NO - Public Hearing and
COUNCIL ACTION

APP 11-0

JAN 08 2024

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CITY CLERK

RECOMMENDATION

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Attachments

Zoning Map and Site Photos ZC 1040

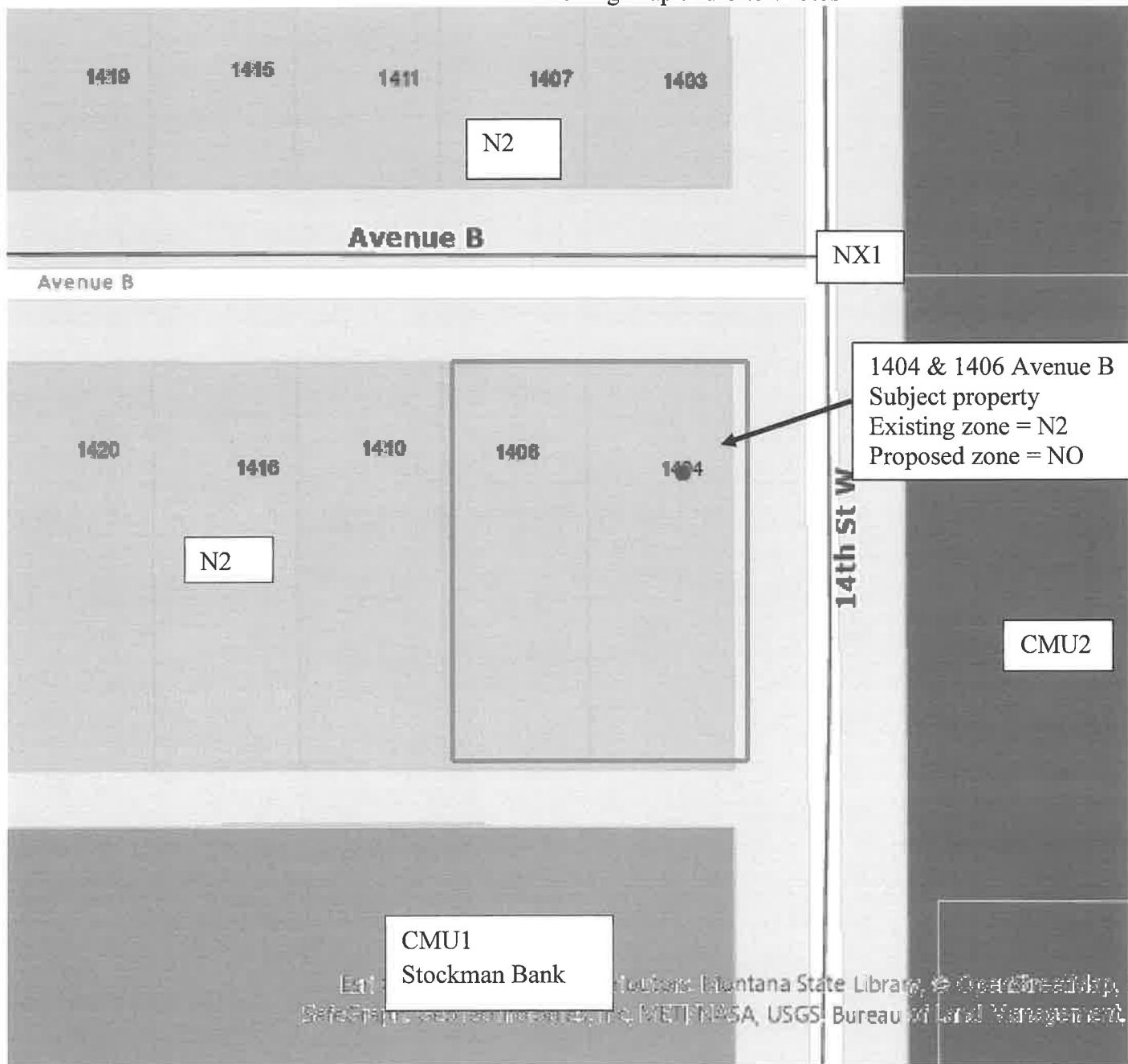
Pre application material ZC 1040

Application Materials ZC 1040

Zoning History Chart ZC 1040

Ordinance Zone Change 1040

City Zone Change 1040 – 1404 and 1406 Avenue B
Zoning Map and Site Photos



Subject Property





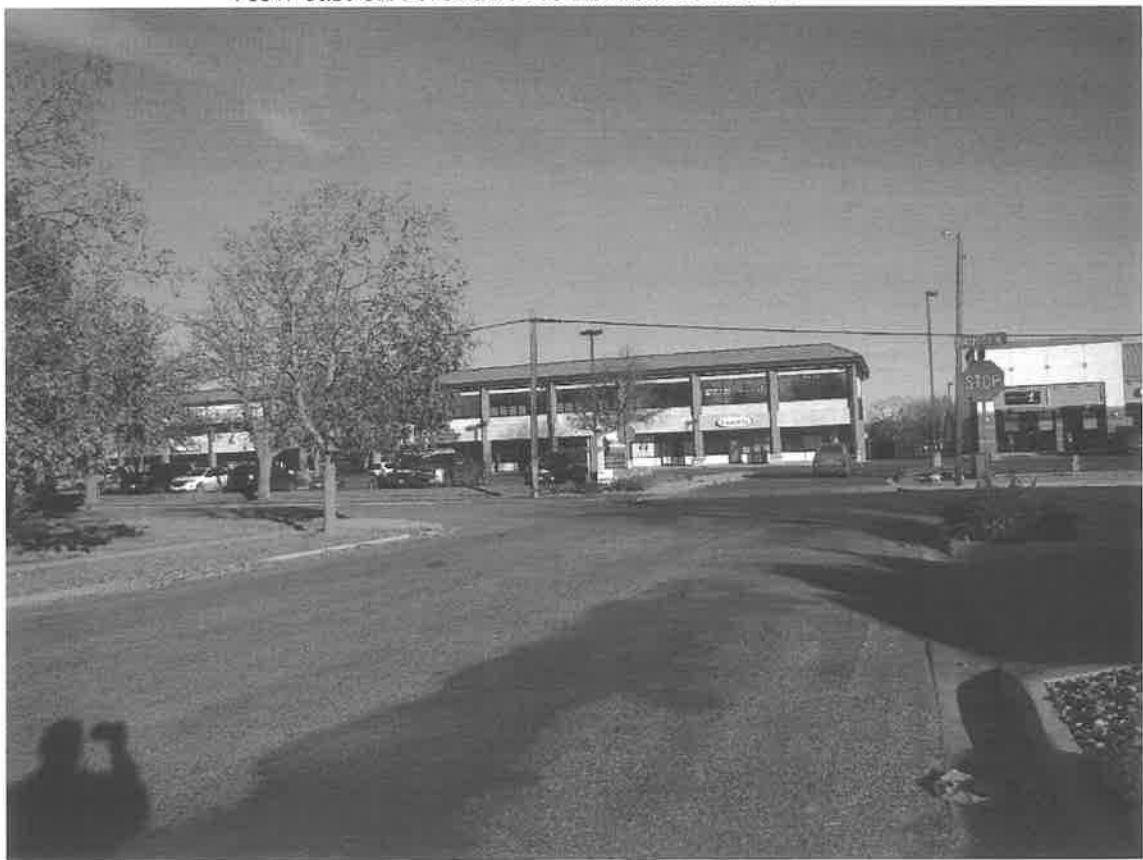
Subject Property 1406 Avenue B



Subject Property 1404 Avenue B



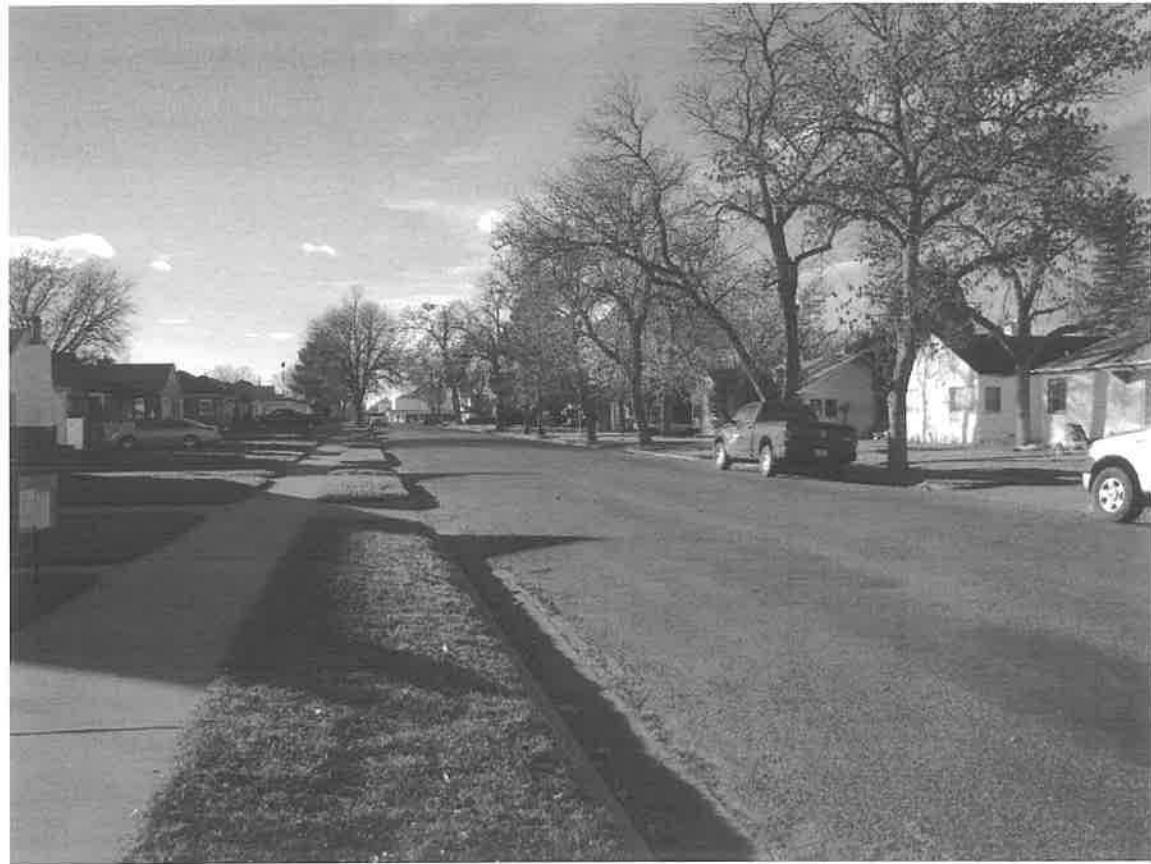
View east on Avenue B to intersection of 14th St West



View north and east on Avenue B



View north and west across Avenue B



View west on Avenue B



Zone Change Notice of Neighborhood Meeting

Address: 1404 and 1406 Avenue B

Legal description: Lots 45 - 48, Block 2, Evergreen Subdivision, Section 36, T 01 N, R 25 E, City of Billings, Yellowstone County, Montana.

Existing zoning: N2 Mid-Century Neighborhood

Proposed zoning: NO Neighborhood Office

Owner: Stockman Bank of Montana

PO Box 250

Miles City, MT 59301

Meeting time and location:

5:15 PM, Monday October 23

Stockman Bank, 1403 Grand Avenue, Billings

Dear Neighbors,

To create more convenient parking for staff and reduce the number of cars parking on the street, Stockman Bank would like to add to its parking lot.

Stockman purchased Susan Peterson's house at 1406 Avenue B. We would like to create staff parking off the alley and in a portion of the rear yard that adjoins our parking lot at the corner of Avenue B and 14th.

The city code will not allow us to park on a residentially zoned lot. Being sensitive to the residential character of the block, we are requesting a zone change to Neighborhood Office for only the rear portion of the lot. We intend to keep the house on the front portion of the lot, continuing its current residential zone and use as a home.

We are hosting a neighborhood meeting to discuss the project with the neighbors.

Questions please contact owners representative:

Dayton Rush PLA, Cushing Terrell (406) 248-7455

Property plan located on back of page.

Neighborhood meeting Sign In

Dayton Rush , Cushing Terrell (agent)

Mike Tuss, Cushing Terrell (Agent)

HENSON, MARY ANN (Neighbor not within 500' of property)

Bill Coffee, Stockman Bank (owner)

Spence Fredrick, Stokman Bank (owner)

Neighborhood Meeting Munities

5:15 PM, Monday October 23

Stockman Bank, 1403 Grand Avenue, Billings

Introduction of neighborhood meeting and overview of project history – Mike tuss

- Two neighborhood properties at the corner of avenue B and 13th street, one is currently a parking lot for stockman bank and the second is a house.
- Stockman bank is hosting a neighborhood meeting to inform the neighbors that they intent to apply for a change of zoning to NO zoning from N2 for both properties.
- Stockman bank is hosting a neighborhood meeting to the inform the neighbors that they intent to apply for a special review to construct parking as a primary use.
- Stockman intends to preserve the existing parking as a primary use and add parking to the back yard of the existing residence while maintaining the existing home , patio and garage.
- The site plan was presented for comments and feedback on a large screen in the conference room.

Neighborhoods comments

- Mary Ann Hensen (Invited to the meeting by a property neighbor but not on the initial mailing list) her comments included a desire for stockman to maintain the existing large trees including the apple tree that was currently planned on being preserved and a honeylocust that was not the plan to be preserved.
- Mary Ann Hansen supported stockman creating offstreet parking to keep vehicles off the street long term and to provide more accessible space for all abilities.
- Mary Ann Hansen stated that she would like stockman to provide gate locks and cameras to prevent the unhoused from using the alley.

Stockman supported saving the trees and agreed to modify the plan preserve the trees.

No other comments from the neighborhood were brought up.

End of munities.

Written statement to the Zoning Commission

Address: 1404 and 1406 Avenue B

Legal description: Lots 45 - 48, Block 2, Evergreen Subdivision, Section 36, T 01 N, R 25 E, City of Billings, Yellowstone County, Montana.

Existing zoning: N2 Mid-Century Neighborhood

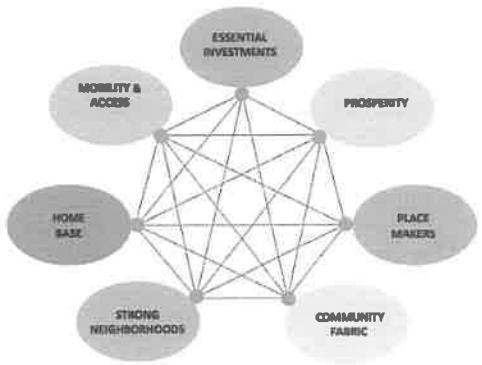
Proposed zoning: NO Neighborhood Office

Owner: Stockman Bank of Montana

PO Box 250

Miles City, MT 59301

A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?



- *Community Fabric; preserve existing trees, provide attractive landscape buffer.*
- *Walkable neighborhoods that permit convenient destinations such as neighborhood services*
- *Successful businesses that provide local jobs benefit the community*

B. How the site is adequate in size and location to accommodate the proposed use while still meeting all of the zone district requirements such as landscaping and parking.

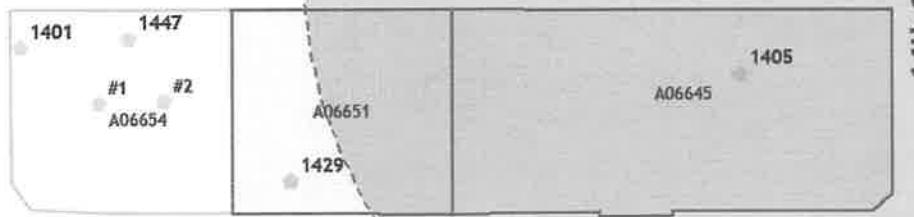
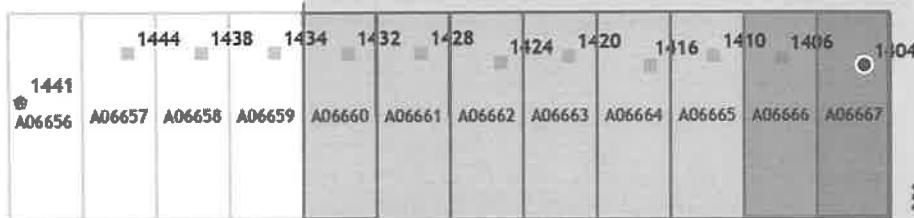
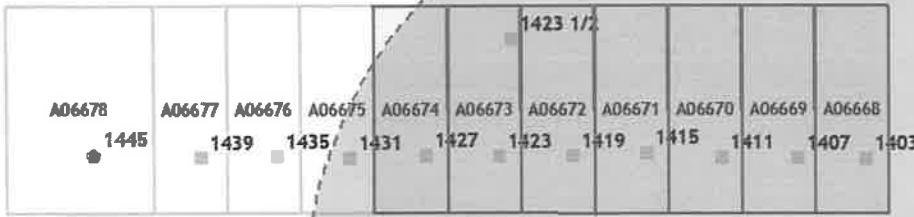
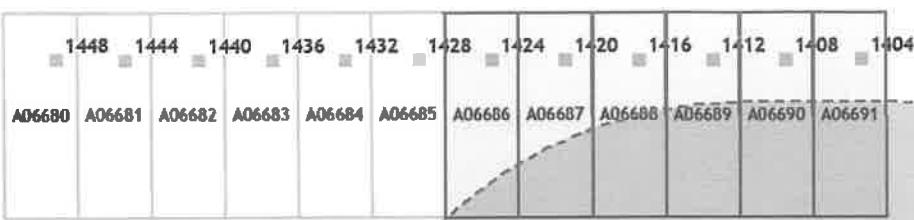
The lot is adequate in size to accommodate landscape buffers between residential and commercial, and to support the need for off street parking within the neighborhood to support the existing bank building on grand avenue.

C. How the proposed use is compatible with nearby uses and how the applicant intends to mitigate any potential impacts.

The applicant intends to preserve the existing house and garage and build parking on the rear of the site with appropriate landscape buffers and site obscuring fencing to keep the neighborhood in tact on avenue B while supporting the commercial use of Grand Avenue.

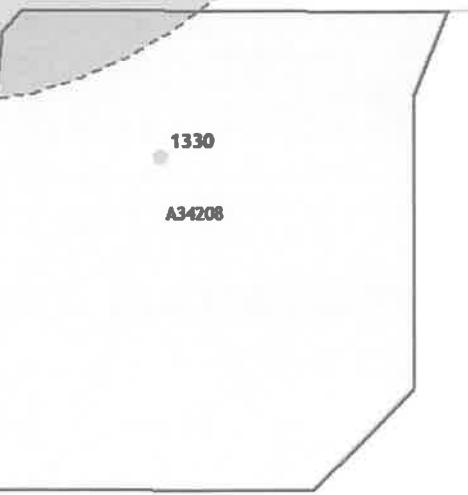
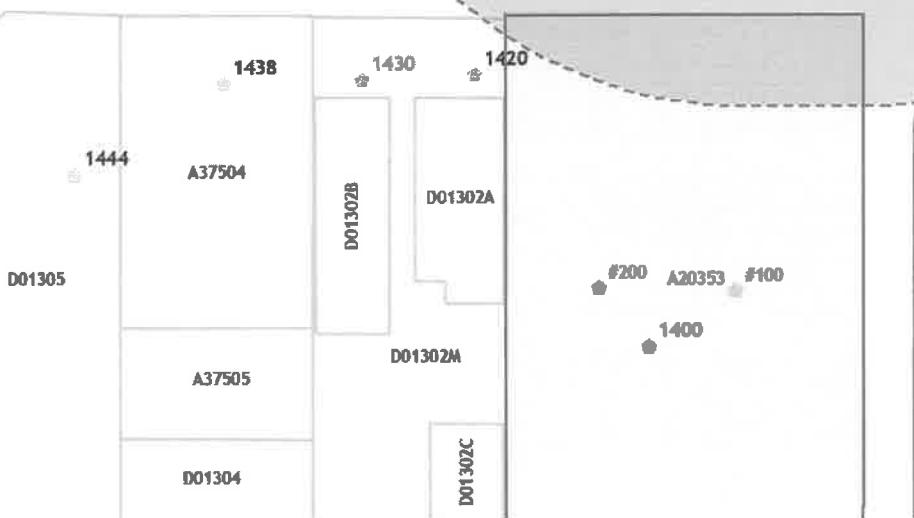
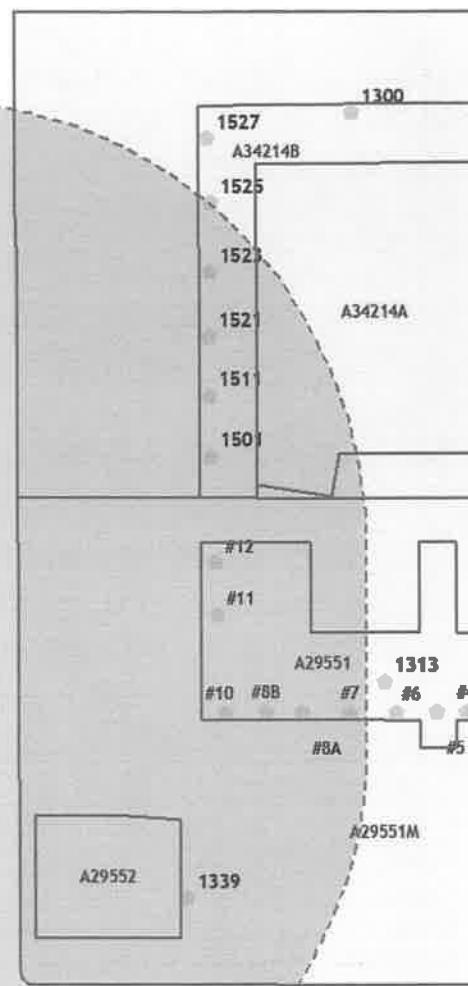
D. How the proposed use will not impede the normal improvement of surrounding property.

Since the parking will be added to the existing parking lot circulation the neighborhood circulation will be minimally modified and will have as little impact on the neighborhood as possible. Additional off-street parking will help preserve the walkability of the neighborhood and free up on street spaces.



14th St W

Grand Ave



Avenue C

Avenue C

1448 1444 1440 1436 1432 1428 1424 1420 1416 1412 1408 1404

1423

1445 1439 1435 1431 1427 1423 1419 1415 1411 1407 1403

AVENUE B

Avenue B

Avenue B

1444 1438 1434 1432 1428 1424 1420 1416 1410 1406 1404

1441

1401 1447

1447 1447

1423

1405

Grand Ave

1442

1438

1439

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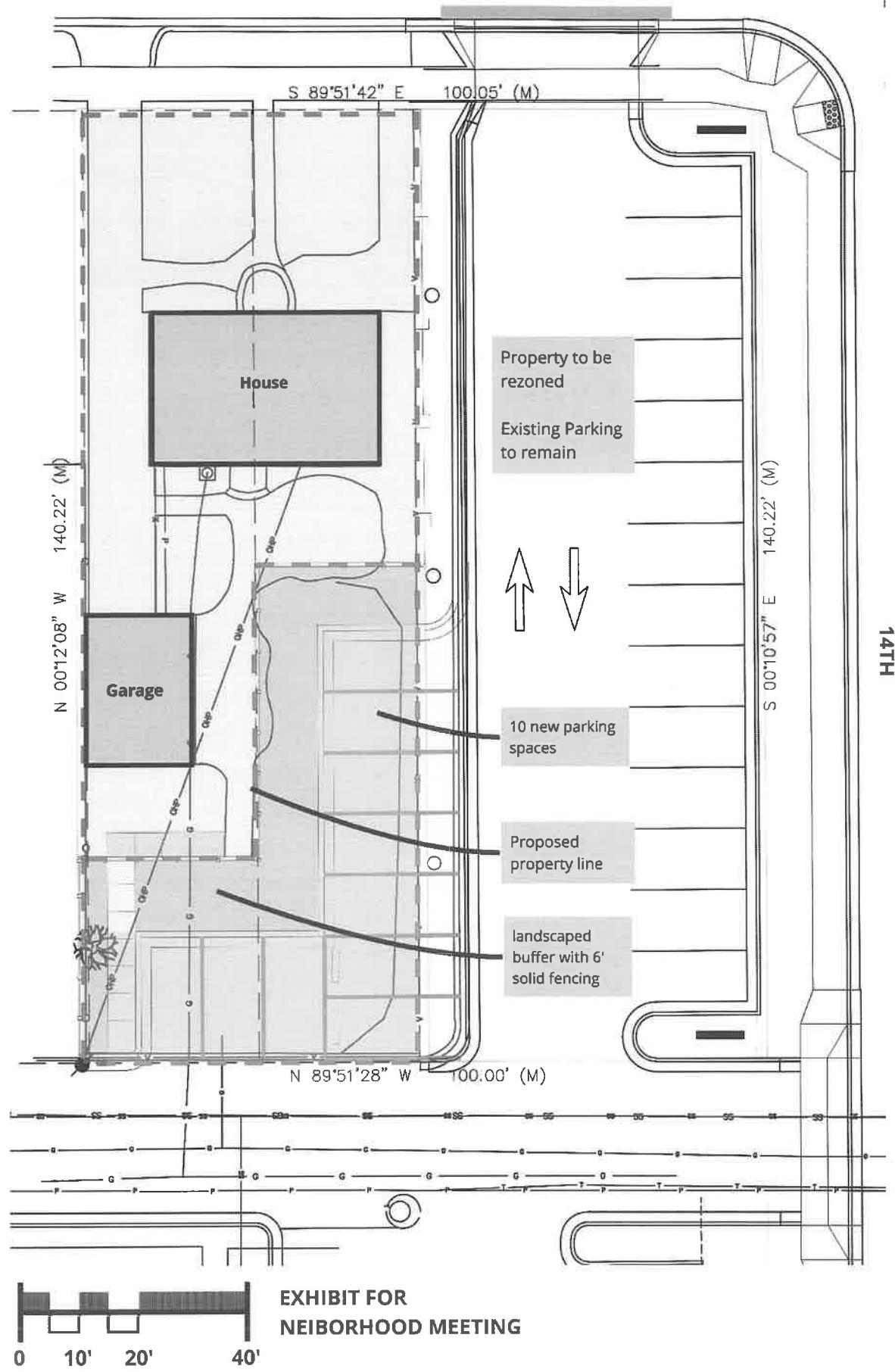
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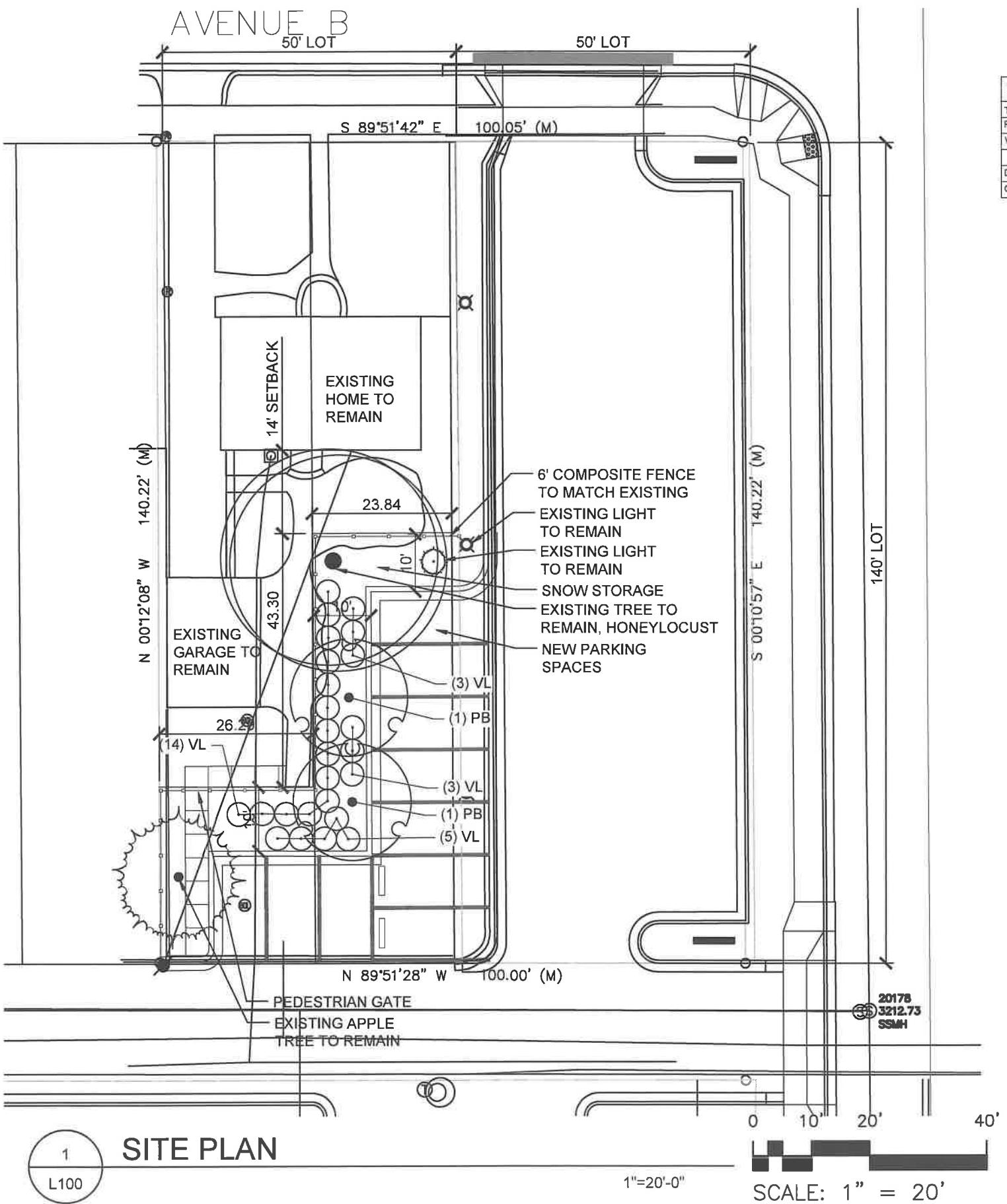
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AVENUE B





ORDINANCE 24-_____

AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THE ZONE CLASSIFICATION for Lots 45, 46,
47 and 48 of Block 2, Evergreen Subdivision, BE
AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. RECITALS. *Title 76, Chapter 2, Part 3, MCA, and Sections 27-1628, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

Section 2. DESCRIPTION. Lots 45, 46, 47 and 48 of Block 2, Evergreen Subdivision, is presently zoned Mid-century Neighborhood Residential (N2), and is shown on the official zoning map within this zone.

Section 3. ZONE DISTRICT AMENDMENT. The official zoning map is hereby amended and the zoning for Lots 45, 46, 47 and 48 of Block 2, Evergreen Subdivision, is hereby changed from Mid-century Neighborhood Residential (N2), to Neighborhood Office (NO), and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining to Neighborhood Office (NO), as set out in the Billings, Montana City Code.

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 8th day of January, 2024.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of January, 2024.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

Zone Change 1040 - 1404 and 1406 Avenue B